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98TH CONGRESS
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HOUSE OF REPRESENTATIVES

EFFICACY OF THE FEDERAL DRUG ABUSE CONTROL STRATEGY: STATE AND LOCAL PERSPECTIVES

A REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

NINETY-EIGHTH CONGRESS

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INTRODUCTION

As part of its government oversight responsibility, the Select Committee on Narcotics Abuse and Control sought to determine how changes in the national policy over the past few years have affected the ability of Federal, State and local efforts to control drug abuse. Of primary concern are the drug law enforcement strategies and the policies on prevention and treatment specified in the Federal strategy documents.

The 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking[1] established guidelines which would respond to current drug and alcohol problems, support successful drug control and prevention activities and promote innovation. The program was designed to rely heavily on the integrated and cooperative efforts of Federal, State and local governments. The issues addressed in that strategy that are of significance to this survey included Drug Law Enforcement, Education and Prevention, and Detoxification and Treatment.

Specific initiatives for Drug Law Enforcement include:

—Effectively investigating and prosecuting criminal activities associated with drug trafficking.

—Improving cooperation and coordination among Federal, State and local law enforcement agencies.

—Revising laws, regulations and operating priorities to strengthen the drug enforcement effort.

—Continuing efforts to intercept drug traffic on the high seas and to interdict drugs coming across our borders.

—Making increased use of military information and equipment to assist civilian law enforcement activities.

—Encouraging eradication of illegal drugs produced in the United States.

The major objectives in the area of treatment emphasized:

—Integrating drug and alcoholism treatment services into the general health care system.

—Encouraging private industry, religious groups, private organizations and State agencies to work together to support treatment programs.

—Promoting drug free programs.

This current strategy has therefore proposed and affected national policy and legislative changes, that when implemented, would have national as well as international ramifications.

To aid in its oversight, the Select Committee on Narcotics Abuse and Control, in June of 1983, sent out inquiries throughout the United States and its territories. The inquiries were sent to city, county and State police agencies, local prosecutors, State Attorneys General, and State and City drug abuse coordinators.

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[1]Federal Strategy for Prevention of Drug Abuse and Drug Trafficking—1982.

Inquiries sent to State and city drug abuse coordinators were directly concerned with drug abuse availability, prevention and treatment. Those inquiries that were sent to police, sheriffs, local prosecutors and State Attorneys General were regarding drug law enforcement and prosecution. Table 1 indicated the number of inquiries made to each type of agency, and the portion of each that responded.

TABLE 1.—SURVEY RESPONSES

Type of agency	Number of inquiries	Number of responses	Percentage returned
City police	103	47	46
Sheriff and county police	56	22	39
State police	43	22	51
Local prosecuters	106	18	17
State attorneys general	54	15	28
State abuse coordinator	56	17	30
City abuse coordinator	22	4	18

QUESTIONS USED IN THE SURVEY

The following questions were sent to city and State Abuse Program Coordinators.

1.(a) What do you feel should be the Federal role in drug abuse availability, prevention and treatment?

(b) From that perspective, what do you see as the principal problem and issue areas that have hindered, or now hinder, effective drug abuse prevention and treatment?

2. In your opinion, what is the most appropriate role for State and local governments, respectively, in combatting the availability and use of illicit drugs in abuse prevention and treatment?

3. In your opinion, what do State and local governments need most from the Federal Government in combatting the availability and use of illicit drugs (a) in terms of financial resources and (b) other than funding?

4. What do you see as the relationship between drug availability, abuse, prevention and treatment?

5. What organizational and/or policy-program changes, if any, would you recommend for consideration? (a) Federal, (b) State and local?

6. Please submit your candid opinion of changes, if any, in the drug abuse situation in your jurisdiction over the past five years. Consider: (a) increases, decreases, and changing patterns of abuse of specific substances, (b) changes in prevention and treatment policies and methods, and (d) consequences of change in Federal funding strategies.

7. For the current and each preceding four fiscal years, how much money will/did your city or State allocate for drug abuse services (treatment, rehabilitation, education, prevention)? What portion of these funds derive from Federal, State, local, private or other sources? If possible, please identify sources of

Federal funding (e.g., ADAMHA block grants) made available to your jurisdiction each year.

Questions that were sent to police, State Attorneys General and local prosecutors are:

1.(a) What do you feel should be the Federal role in drug law enforcement?

(b) From that perspective, what do you see as the principal problem and issue areas that have hindered, or now hinder effective drug law enforcement and prosecution?

2. In your opinion, what is the most appropriate role for State and local governments, respectively, in combatting the trafficking and use of illicit drugs?

3. In your opinion, what do State and local governments need most from the Federal Government in combatting the trafficking and use of illicit drugs (a) in terms of financial resources, and (b) other than funding?

4. What organizational and/or program-policy changes, if any, would you recommend for consideration? (a) Federal, (b) State and local.

5. Please submit your candid opinion of changes, if any, in the drug abuse situation in your jurisdiction over the past five years. Consider: (a) increases, decreases and changing patterns of abuse of specific substances, (b) effectiveness of present policies and methods, and (c) consequences of changes in Federal funding strategies.

6.(a) Please submit your candid opinion of the consequences of the realignment of DEA and the FBI which gives the latter concurrent jurisdiction in drug law enforcement. Please respond in terms of both immediate and long term perspectives.

(b) Does your organization now, or did it formerly, engage in cooperative efforts with either the DEA or FBI? Please describe any changes in cooperative efforts that may have resulted from the DEA-FBI realignment.

CONTENT ANALYSIS

A content analysis of the responses was conducted by Drs. Martin I. Kurke and Iris Jeffries Morton of the Select Committee staff. The responses to each survey were analyzed in depth and were grouped according to the pattern of frequency of a particular response. If the pattern of responses are the same from reporting agencies with similar missions, the results are reported together, i.e., if the pattern of responses are the same for the county, city and State police, the answers are grouped and reported together. The percentage frequency of each answer is based on the total number of responses from each respective group. The percentage frequency for each answer is calculated from the total number of responses to a particular question. The number of responses to each question is equivalent to the total number of responses from each reporting group unless otherwise indicated.

The results of the analysis of the survey responses follow.

Federal Role in Drug Law Enforcement

What do you feel should be the Federal role in drug law enforcement?

The responses listed combatting interstate and international drug trafficking, collecting and sharing of information, and funding drug law enforcement endeavors respectively as the primary Federal role. See Table 2 for the breakdown.

TABLE 2.—FEDERAL ROLE IN DRUG LAW ENFORCEMENT

Reporting group	Number of responses	Frequency of responses (percent)		
		Combatting trafficking	Collecting and sharing intelligence	Funding
Police	91	73	37	25
State attorneys general	18	92	21	20
Local prosecutors	15	82	35	41

In addition, 42 percent of the State Attorneys General listed the provision of technical assistance as a Federal responsibility.

Up to 20 percent of the respondents cited investigation, training, technical assistance, coordination and cooperation of Federal, State and local agencies, forming integrated task forces and developing international treaties as a Federal role. Less than 10 percent of the responses cited education and treatment as a primary role.

Combatting drug trafficking as a Federal role should start with foreign countries that are the major exporters of illicit drugs to the United States. Cooperation from Heads of States of these countries should be solicited. Efforts should be directed toward encouraging and assisting foreign governments to undertake crop control programs, developing treaties directed at facilitating judicial action against the international drug trade, seizing assets derived from drug trafficking, investigating banking procedures which conceal illicit drug transactions, increasing the effectiveness of intercepting drugs smuggled by air and by sea and targeting investigations toward organized crime.

Controlling drug trafficking domestically should commence by improving coordination and cooperation among Federal, State and local enforcement agencies and agents, encouraging State and local efforts to eradicate illicit drug production and cultivation, seeking legislative changes to improve drug law enforcement efforts in disrupting drug trafficking, and in using all available prosecutorial and court resources.

The role of collecting and sharing of intelligence would include collecting information and developing information files concerning drug availability, purity, cost per unit, suspected dealers and users, vehicles used in and methods of trafficking, and any other data that would be pertinent in drug law enforcement.

Integrated task forces should be formed to include State and local representation. The Federal Government would serve as the coordinating agency and would assist with financing, technical assistance, intelligence and access to the Federal court system.

Some pertinent comments are:

To target the high level organized criminal element dealing in narcotics, both nationally and internationally. To provide funding and assistance to State and/or local law enforcement agencies with special drug trafficking problems.

Don Hathaway, Sheriff,
Caddo Parish, Shreveport, Louisiana

As to the Federal role in law enforcement: It is recommended that continued border interdiction, international investigations and Federal sanctions against the major drug supplying nations should be the primary Federal role.

Sherman Block, Sheriff, County of Los Angeles,
Los Angeles, California

I feel the Federal role in drug law enforcement should be that of identifying and apprehending all persons responsible for importing, manufacturing and/or distributing all illegal drugs. This mission can be attained more readily by maintaining an atmosphere of mutual concern and cooperation between agencies and by encouraging the exchange of intelligence information between concerned parties.

William K. Stover, Chief of Police,
Arlington County, Virginia

The Federal Government, through the efforts of the Drug Enforcement Administration, the Federal Bureau of Investigation and other Federal agencies, should direct their enforcement efforts primarily to the importation and processing of controlled substances. Latest figures show that despite an increased emphasis in this area on the part of Federal authorities, only a small percentage of controlled substances imported to our country or processed here are ever intercepted. Clearly, once these drugs arrive at our shores and enter distribution networks, efforts to combat drug abuse become increasingly difficult.

Mario Merola, District Attorney, Bronx County, New York

The Federal role in drug law enforcement should be not only to constrict the flow of narcotics into the United States and to investigate and prosecute those individuals, groups or organizations who distribute and possess narcotics, but it should also be to provide assistance to State and local enforcement agencies. This assistance would ideally be in the form of funding, cooperation in investigation (without the local agency's losing complete control over a given case or area), and the offer of Federal training programs (e.g., those given to Drug Enforcement Agents) to the local agency's personnel.

Richard J. Arcara, District Attorney, Buffalo, New York

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Federal Role in Availability, Prevention and Treatment

What do you feel should be the Federal role in drug abuse availability, prevention and treatment?

This question was answered by 17 State program abuse coordinators and 4 city abuse program coordinators. Responses are abstracted in Table 3. The respondents believe that the Federal Government should be concerned with controlling drug trafficking and funding of prevention and treatment centers and research respectively. The research interest ranged from controlling the supply to determining the cause and effects of the demand for drugs.

TABLE 3.—FEDERAL ROLE IN AVAILABILITY, PREVENTION, AND TREATMENT

Reporting group	Number of responses	Frequency of responses (percent)		
		Controlling trafficking	Funding	Providing research
Program coordinators	21	81	67	52

Responses from the program coordinators concerning the control of drug trafficking as a Federal role in availability, prevention and treatment were similar to those comments presented by the law enforcement agencies and prosecutors concerning the role of the Federal Government controlling drug trafficking as it applies to drug law enforcement. Of major concern is the role the Federal Government should take in controlling illicit drugs coming into this country as well as domestic trafficking. Suggestions were offered in terms of developing international drug law enforcement policies with other countries who are exporting illicit drugs to the United States, enforcing border interdiction, withholding funds from countries that will not participate in drug law enforcement, limiting exclusionary rules and increasing penalties, developing and enforcing policies and procedures for domestic drug eradication, and investigating interstate and international conspiracies to follow narcotic supply systems, including laundering.

The decrease in Federal funding and the change to the block grant funding concept has had a tremendous impact on the prevention and treatment programs. The responses addressed the fact that the Federal role has "vacillated from being highly involved to almost no involvement." Under the New Federalism concept the local prevention and treatment programs are competing with other State programs for funds. Some of the feelings were that "block grant funds should be allocated directly to the cities."

At least one half of those responding felt that the Federal Government should be responsible for establishing general policies on drug abuse and treatment. In order to establish the policies, primary prevention and treatment research is essential. This research information should be implemented at the Federal level and disseminated to the local and State programs.

Some of the responses are cited below.

> The Federal role should begin with the establishment of general policies on drug abuse and treatment, on a nationwide basis. This should include the development of global

priority areas. The Federal role should also encompass the design of innovative models for drug abuse prevention and treatment. Finally, funding of drug abuse prevention and treatment is an essential element in the Federal role.

Helen Sunukjian, Ph.D, Deputy Commissioner, Department of Health, City of Chicago, Illinois

The Federal role in drug abuse prevention and treatment should be one of more direct interaction with major U.S. cities. Block grant funds should be allocated directly to these cities. It is our experience that Federal monies passed through State governments are appreciably reduced. The more beneficial relationship for large cities appears to be that of a collaborative fiscal/program monitoring nature between Federal Government and urban government.

Nicholas L. Piccone, Ed.D. Executive Director, Coordinating Office for Drug and Alcohol Abuse Programs, Philadelphia, Pennsylvania

The Federal role in drug abuse availability, prevention and treatment should be, in essence, to provide those things which are best centralized. The major focus of the Federal Government, therefore, should be in reduction of supply of illegal drugs; regulation of advertising for over-the-counter medications; research in prevention and treatment methodologies; research in the effects of drugs of abuse; the provision of funds for prevention and treatment; and the dissemination of the results of research and demonstration projects. This should all be done within the context of a coherent and clearly understood national policy.

William J. McCord, Director, South Carolina Commission on Alcohol and Drug Abuse, Columbia, South Carolina

The Federal role should include:

(1) Leadership in the development of drug abuse priorities in terms of problems and solutions.

(2) Support of a system of services that is stable yet able to respond to changing drug abuse problems.

(3) Support of applied research and the dissemination of information regarding proven treatment and prevention techologies.

(4) Support of basic research and the dissemination of knowledge in relation to drug abuse issues and concerns.

(5) Cooperation with the States and foreign countries to safely control the supply of abuseable drugs.

(6) Concern for the civil and legal rights of drug abusing persons and promotion of uniform dispositions under the law.

Donald B. Mathis, Director, Arizona Department of Health Services, Phoenix, Arizona

Problem and Issue Areas

What do you see as the principal problem and issue areas that have hindered or now hinder effective drug law enforcement and prosecution?

The problems and issues that have hindered or now hinder effective drug law enforcement and prosecution were identified by the law enforcement agencies and prosecutors as being the lack of coordination and cooperation between Federal agencies and agents, and coordination and cooperation of Federal agencies and agents with local and State agencies and agents. Reasons for the lack of coordination were stated to be jealousy, lack of defined roles and responsibilities, reluctance of Federal agents to share information, lack of adequate flow of information from one agency to another, complete exclusion of State and local agents by the Federal agents and "petty bickering."

Another problem that has hindered effective drug law enforcement and prosecution was budgetary constraints. Budgetary constraints have produced shortages in manpower and equipment, and have decreased other resources that are necessary for effective investigations, research, prevention and treatment.

Weak Federal and State laws have resulted in inconsistencies in ruling and sentencing.

The results are summarized in Table 4.

TABLE 4.—PROBLEMS AND ISSUES HINDERING DRUG LAW ENFORCEMENT AND PROSECUTION

Reporting group	Number of responses	Frequency of responses (percent)		
		Lack of Federal, State, and local coordination	Budgetary constraints	Weak laws
Police	91	54	25	25
State attorneys general	15	64	21	
Local prosecutors	18	71	35	53

Twenty-four percent of the local prosecutors listed boundary jurisdiction as one of the major hindrances. Other areas mentioned but not to any significance included manpower shortages, education and training and lack of modern surveillance equipment.

Some of the pertinent comments are:

> As in every human endeavor, the lack of communication is the main hindering factor in law enforcement. This could be addressed to some extent by increasing the region meeting concept for different agencies to develop new avenues for exchange of basic information. The Federal Government should take a role of leadership and support for these regional meetings to discuss mutual problems facing all levels of drug enforcement. Continual turnover of prosecutors at the Federal and State level leaves many offices with no continuity in their prosecution actions. Support at the Federal level for quality training and support of prosecutors is a valid and necessary requirement. Potentially, the Federal Government could support the narcotic officer

on the street most effectively by additional clerical support at all levels of enforcement.

Roy Skagon, Assistant Chief of Police, Investigation Bureau, Seattle Police Department, Seattle, Washington

The principal hindrances to the effective enforcement of drug laws are the lack of a coordinated attack on the overall problem; limited geographical jurisdiction authority of local agencies; funding capability for major efforts; and lack of information sharing by enforcement agencies at all levels. The two most important hindrances are the limited geographical jurisdiction of local authorities and the lack of an adequate flow of information from one agency to another.

W. E. Swing, Chief of Police, City of Greensboro, North Carolina

The necessity to cooperate with local authorities has been proven again and again. Too often, especially in DEA and FBI investigations, those agencies are obtaining information from local authorities and as a result dual investigations are tying up manpower and funds that could be channeled into one operation or investigation. Combining of efforts would enhance investigations and lead to a more successful conclusion. The point being that Federal agencies fail to make available to the local authorities intelligence information pertinent to that authority. Another result of this is often jurisdictional prosecution. Prosecution that should be handled by the U.S. Attorney is often turned to the already crowded State courts. The U.S. Attorney's Office has failed to advise local officers of their availability in prosecuting drug offenders.

Captain Robert Merolla, Shreveport Police Department, Shreveport, Louisiana

Traditionally, drug investigations on the Federal level have been "conspiracy" type cases as opposed to the "street-dope" investigations of the "locals." At such times as local law enforcement developed cases to a point where major prosecutions, or conspiracies, could be pursued, they essentially turned control over to the Federal agencies and prosecutors in the hope of stiffer penalties than were generally available in the State courts.

E. L. "Bud" Willoughby, Chief of Police, Salt Lake City, Utah

The biggest problem that hinders effective drug enforcement and prosecution has been the Supreme Court decision that has tied the hands of the law enforcement community in the area of search and seizure. Also, the sentencing for violators does not seem to be compensatory for the violation of drug trafficking. The Supreme Court has

given some hopes to the law enforcement community that the tables are turning.

R. V. Bradshaw, Chief of Police, Reno, Nevada

What are the principal problems and issues that have hindered drug abuse and prevention and treatment?

This question was sent to State and city drug abuse program coordinators. Responses to this question listed budgetary constraints as the primary problem that has hindered drug abuse prevention and treatment. Budgetary constraints have resulted from decreased Federal funding to the States. Consequently, treatment and prevention programs have been reduced and in some instances completely eliminated.

Another problem that has hindered drug abuse prevention and treatment was inadequate information sharing. Problems associated with inadequate information sharing included confusing messages about the abuse potential of certain drugs, lack of a central management information system, and difficulty in collecting and comparing data in a meaningful fashion.

TABLE 5.—PROBLEMS AND ISSUES HINDERING PREVENTION AND TREATMENT

Reporting group	Number of responses	Frequency of responses (percent)	
		Budgetary constraints	Inadequate information
Program coordinators (State and city)	21	71	48

Some pertinent comments are:

At this time, effective local drug abuse programming is being seriously hindered by both the funding mechanism and the reduction in Federal prevention and treatment budgets. The consolidation and funding process of the current block grant could not possibly have been devised with an ear to the needs of major cities who have asked, over several years, for direct funding and policy development channels to the Federal Government. Nor, indeed, could funding levels have been established with regard to the need for services.

Paul E. Robinson, Executive Secretary, Coordinating Council on Drug Abuse, Boston, Massachusetts.

The problems that hinder effective drug abuse prevention and treatment are most often a lack of financial and manpower resources to carry out prevention and treatment programs (cuts in the ADM Block grant have had an adverse effect) and often a lack of coordination between agencies responsible for various aspects of the drug problem.

Patricia A. Todman, Director Mental Health, Alcoholism, Drug Dependency Services, Virgin Islands

The major hindrance of our local drug and alcohol prevention and treatment system's effectiveness is the series

of fiscal reductions at both Federal and State levels which have forced us, over the past two fiscal years, to curtail needed services. We have been forced to reduce both prevention and treatment services. Beginning in fiscal year 1982, approximately a thousand Philadelphians were deprived of needed drug and alcohol treatment services while a significant number of school children and community based parent groups had their prevention/intervention programs terminated. Continual fiscal cutbacks through fiscal year 1983 and 1984 resulted in a concomitant erosion of services. The scheduled *additional* 25 percent reduction of funding for fiscal year 1985 will devastate our drug and alcohol service delivery system. This major city, with a total cumulative reduction of 50 percent of Federal funds, cannot maintain a comprehensive array of drug and alcohol services.

Nicholas L. Piccone, Ed.D. Executive Director, Coordinating Office for Drug and Alcohol Abuse Programs, Philadelphia, Pennsylvania

A long overdue termination of the separate institutes at the Federal level is needed. NIAAA and NIDA should be merged into a single alcohol/drug abuse institute as a part of the Alcohol, Drug Abuse, Mental Health Administration. A major problem in the current guidelines for administration of the ADAMHA Block Grant is the requirement of equal shares of treatment resources for alcohol and for other drug programs. This formula, I believe, is an outgrowth of the separation of the Federal initiatives at NIAAA and NIDA.

Joseph E. Mills III, Director, Division of Addiction Services, State of Indiana, Indianapolis, Indiana

Primarily, the cutback in the Federal dollars available have resulted in potential clients being placed on waiting lists at our treatment facilities. The availability of less treatment, indirectly results in more criminal activity and antisocial behavior taking place.

William H. Pimentel, Assistant Director, Division of Substance Abuse, Cranston, Rhode Island

Role for State and Local Governments

In your opinion, what is the most appropriate role for the State and local governments, respectively, in combatting the trafficking and use of illicit drugs?

The police, local prosecutors and State Attorneys General identified several primary roles of the State and local governments in combatting the trafficking and use of illicit drugs. Those roles included coordination with the Federal agents, intrastate investigations and prosecutions, collecting, storing, and sharing intelligence data, legislating and enforcing strict State and local laws and penalties, and providing prevention and treatment.

The State and local government should coordinate with the Federal agencies by supplying intelligence, informants, other manpower and equipment as needed, especially when drug law enforcement exceeds their jurisdictions and must be turned over to the Federal agents.

Legislating and enforcing strict laws and penalties against the local prosecutors mid-level and street-level dealers and users would discourage intrastate trafficking of illicit drugs.

Collecting and sharing of intelligence data is essential in order to monitor the drug problems and in assisting the Federal agents.

The results are outlined in Table 6.

TABLE 6.—ROLE FOR THE STATE AND LOCAL GOVERNMENTS

Reporting group	Number of responses	Frequency of responses (percent)				
		Coordination with Federals	Enforcing strict laws	Intrastate investigation	Intelligence	Prevention and treatment
Police	91	46	46	46	.....	15
Local prosecutors	18	67	50	28	28	.....
State attorneys general	15	43	43	.....	50	.....

Some of the responses are:

> Local, State, and Federal Governments should work in a coordinated manner to combat the trafficking and use of illegal drugs. Local and State governments should work at the grassroots level. They should handle matters of purely local interests with the ultimate goal of pyramiding the information to reach into the hierarchy of drug trafficking. During their initial investigations, they should have access to information which could provide direction to their efforts. Ultimately if the investigation grows to the point that the Federal Government should become involved, the investigation can either be jointly and cooperatively investigated or passed on in its entirety. A mechanism to jointly investigate drug trafficking operations would be "task forces" composed of individuals from the member agencies.
>
> *Margaret Moore, County Attorney, County of Travis, Austin, Texas*

> The most appropriate role for State and local governments in combatting drug trafficking is to coordinate their efforts with those of the Federal Government. While the Federal Government prosecuted the major interstate and international drug violators, local government must prosecute the major intrastate wholesalers and distributors connected to the traffickers prosecuted federally.
>
> *Norm Maleweg, Prosecuting Attorney, Seattle, Washington*

> State and local governments must be responsible for the control of the distribution of drugs within their jurisdiction by the apprehension and prosecution of those involved in the sale of drugs. Their resources and contacts must be used by Federal agencies to penetrate drug organizations

and to aid and assist in undercover operations through the sharing of manpower, equipment and intelligence.

William L. Cahalan, Prosecuting Attorney,
Wayne County, Detroit, Michigan

The role of State and local governments should be a consolidation of efforts toward the goal of stopping the trafficking and use of illicit drugs and cooperating with the Federal agencies. This is economically and administratively more efficient in that there is no duplication of efforts toward the same target. The various levels of government must cooperate to even hope to be successful. This includes sharing money, information and work responsibilities.

John B. Holmes, Jr., District Attorney,
Harris County, Texas

I feel scarce State and local resources could be put to best use in dealing with primarily local drug distributors. Additionally, an important role for local authorities is to provide intelligence information to Federal agencies.

Michael D. Schrunk, District Attorney,
Multnomah County, Portland, Oregon

The State and local government agencies can easily investigate middle-level and street-level dealers. They have informants and resources which can be made available to the Federal agencies to reach the higher-level dealers, the people who often do not physically possess the drugs. This calls for more cooperation from the Federal level so that the information and manpower provided is not on a "one-way street."

Rebecca E. Wardlaw, Assistant District Attorney,
Las Cruces, New Mexico

State and local jurisdictions are obviously interested in the prosecution of drug dealers who operate locally. It is our experience that local drug dealers are ultimately tied to major smuggling organizations. We feel that we can prosecute smugglers as effectively, if not more so, than Federal prosecutors and welcome the opportunity to do so.

H. Albert Nance, Jr., Commonwealth's Attorney,
County of Henrico, Virginia

The most appropriate role for State and local governments in combatting the trafficking and use of illicit drugs is to supply the basic resources of intelligence, informants and manpower.

Greg H. Bower, Ada County Prosecuting Attorney,
Boise, Idaho

In your opinion, what is the most appropriate role for State and local governments, respectively, in combatting the availability and use of illicit drugs in abuse prevention and treatment?

The State and local program coordinators identified separate roles for the State and local governments. Fifty-eight percent said

the States should be responsible for planning, funding, monitoring and coordinating prevention and treatment programs. Forty-eight percent thought the local governments should be responsible for implementing the programs and coordination with the States.

Other roles of the States reported at a lesser frequency are:

1. Create good relationships with the criminal justice system and the treatment and prevention system.
2. Promote appropriate legislation.
3. Direct funding allocations.
4. Provide technical assistance.
5. License drug and alcohol prevention and treatment services.

Roles for the local governments:

1. Seek groups to become more involved with the prevention and treatment programs.
2. Promote appropriate legislation to control the supply of drugs.

The following comments were pertinent:

> The State government should support technically and financially a system of locally administered and community governed drug abuse treatment and prevention services. Availability is addressed through the drug law enforcement, licensure, and diversion-prevention education activity of the State. Local governments should advocate sufficient drug abuse prevention and treatment services to control or resolve the problems of their communities.
>
> *Edward Zborower, Manager Drug Abuse Section, Arizona Department of Health Services, Phoenix, Arizona*

> The most appropriate role for *State* government in combatting *availability* is to make higher-level cases, in consultation with both local and Federal officials, and to provide assistance, both financial and technical, to local enforcement programs. The State enforcement agency must not focus on illicit substances to the exclusion of prescription drug diversion, however, and should coordinate its efforts with the State level practitioner licensing boards in order to identify and prosecute drug-diverting physicians and pharmacists.
>
> The most appropriate role for State government in abuse *prevention* and *treatment* is to serve as a source or conduit of financial and program technical assistance, overall policy development, broad public education, long-range planning, management, resource allocation, coordination, and evaluation. *Local* governments should, in most cases, serve as the primary focal point for the actual delivery of prevention and treatment services, and supply the State and Federal Government with the information necessary to perform their administrative functions.
>
> *Edmund A. Nix, Chairman, Citizens Council of Alcohol and Other Drug Abuse, Madison, Wisconsin*

> State and local governments should assume a major responsibility to control the supply side of the drug problem

but must rely heavily and cooperate fully with the Federal law enforcement agencies. State and local governments also have a responsibility to require and create good relationships between the criminal justice system and the treatment/prevention system. This cooperation can, at times, cause rehabilitation efforts to succeed, lessening the need to overcrowd prison facilities, reducing recidivism and increasing public safety.

Secondary, State and local government must be responsible for effective local planning and implementation to ensure adequate treatment, both quantitative and qualitative, to all citizens. The ongoing cost of this should be a local and State concern with Federal dollars used in research, development and crisis situations.

Richard L. Hamilton, Director Drug Abuse Administration, Department of Health and Mental Hygiene, Baltimore, Maryland

It is my opinion that the most appropriate role for State and local governments in combatting the availability and use of illicit drugs is through continuation and expansion of prevention and treatment efforts and through strengthening communications between all levels of law enforcement for effective, comprehensive and consistent services to combat the flow of illicit drugs.

A. Eugene Douglas, M.D., Director Substance Abuse Services, Raleigh, North Carolina

The role of State alcohol/drug authorities should be one of coordination and regulation. The State should direct how resources are allocated, set standards for service delivery, conduct licensing and credentialing programs, and conduct monitoring and evaluation to ensure that citizens are receiving quality, appropriate, and cost-effective services. Local governments should be involved in provision of prevention and treatment services and in ensuring that needs of citizens within their jurisdictions are met. They may thus also be allocating resources among the public and private providers and monitoring adequacy of services.

Judy Brady, Director, Division of Alcoholism and Drugs, Salt Lake City, Utah.

Needs of State and Local Governments

In your opinion, what do State and local governments need most from the Federal Government in combatting the trafficking and use of illicit drugs (a) in terms of financial resources, and (b) other than funding?

Funding Needs

The reporting groups consistently listed funds for investigations as their chief financial need. Funds for investigations included "flash" money, "buy" money and money to pay informants.

Many of the policemen reported that their surveillance and investigative equipment was outdated compared to that of the drug dealers and, therefore, they were unable to compete.

Another financial need was a request for special grants for investigations. One reporting group indicated that with their budget they could buy no more than one kilogram of cocaine on the streets.

TABLE 7.—FINANCIAL NEEDS OF STATE AND LOCAL GOVERNMENTS

Reporting group	Number of responses	Frequency of responses (percent)		
		Investigations	Equipment	Grants
Police	91	47	37	20
Local prosecutors	18	28	.....	.....
State attorneys general	15	93	.....	.....

Less than 15 percent of the State Attorneys General and local prosecutors mentioned the need for funds for organizing task forces and for education and research.

Needs Other Than Funding

The primary need of the State and local governments other than funding is cooperation and coordination with the Federal agencies and agents. Lack of coordination and cooperation was also the primary problem that hindered effective drug law enforcement and prosecution. The responses that are listed, following the question on problems and issue areas, address the lack of cooperation and coordination. Improving cooperation and coordination among Federal, State and local law enforcement agencies is one of the specific initiatives for drug law enforcement in the Federal Strategy for Prevention of Drug Abuse and Drug Trafficking—1982. The responses suggest that this area should receive considerable attention.

There is a need to borrow and/or share military and Federal equipment because the State and local equipment is inefficient and/or outdated.

The needs are outlined in Table 8.

TABLE 8.—NEEDS OF STATE AND LOCAL GOVERNMENTS OTHER THAN FUNDING

Reporting group	Number of responses	Frequency of responses (percent)			
		Cooperation with Federals	Equipment	Training	Manpower
Police	91	42	27	17	20
Local prosecutors	18	39	16	.....	53
State attorneys general	15	50	.....	.....	.....

What do State and local governments need most from the Federal Government in combatting the availability and use of illicit drugs (a) in terms of financial resources, and (b) other than funding?

Funding Needs

The program coordinators reported that a decrease in availability of Federal funding has had a significant impact on the prevention and treatment programs. Their funding recommendations included: (1) increase block grant funds by 25 percent to previous level; (2) provide financial assistance in terms of special grants to develop appropriate prevention and treatment programs; and (3) stabilize funding allocations to allow for advanced planning.

TABLE 9.—FUNDING NEEDS OF STATE AND LOCAL GOVERNMENTS IN COMBATTING AVAILABILITY AND USE OF ILLICIT DRUGS

Reporting group	Number of responses	Frequency of responses (percent)	
		Prevention and treatment programs	Investigations
Program coordinators	21	52	29

Needs Other Than Funding

In combatting the availability and use of illicit drugs, the program coordinators listed the primary need for cooperation and coordination between Federal, State and local governments in carrying out enforcement responsibilities. They also have a need for technical assistance and current research data in developing, monitoring and operating prevention and treatment programs.

TABLE 10.—NEEDS OTHER THAN FUNDING

Reporting group	Number of responses	Frequency of responses (percent)		
		Coordination with Federals	Technical assistance	Current research data
Program coordinators	21	62	33	33

Relationship Between Drug Availability, Abuse, Prevention and Treatment

What do you see as the relationship between drug availability, abuse, prevention and treatment?

This question was answered by 17 State abuse program coordinators and four city abuse program coordinators. There is an overall consensus that there is a direct relation between drug availability, abuse and the need for prevention and treatment. As prevention increases there should be a decrease in abuse and the need for treatment. As drug availability increases, there is an increase in abuse and the need for treatment.

Organizational and/or Program—Policy Changes

What organizational and/or program—policy changes, if any, would you recommend for consideration? (a) Federal and (b) State and local.

Responses from the inquiries suggest that from a State and local level that (a) there are no clear and defined Federal policies, (b) the duties and responsibilities of the various agencies that play a role in drug law enforcement are not clearly understood, and (c) many of the existing Federal policies, strategies, etc., have not been implemented at the State and local level.

The police showed more consistency in their responses than the other reporting groups. Sixteeen of the 91 police reporting, listed improved cooperation and coordination as the subject of primary needed policy changes. Three police recommended consolidation of all drug law enforcement agencies. Four police stated that each agency should be given positive guidelines and three requested less restrictions on IRS information.

Policies and programs to better coordinate the efforts of the FBI, DEA, Customs, Coast Guard and to a lesser extent the IRS and the military, were cited as needed.

Thirteen of the police recommended the "Task Force" concept with the inclusion of State and local representatives.

Recommendations from other reporting groups included:

Changes in the Federal forfeiture law, such that the proceeds are shared equally by Federal, State and local governments.

Establishment of a "czar" or other mechanism for setting policy.

Legally implement the Posse Comitatus Act.

Combine NIAAA and NIDA as a single substance abuse agency.

Require health insurance policies to include drug and alcohol treatment.

Restore funding to the pre-block grant amounts.

Allocate funds directly to large cities.

Resume collection of statistics by NIDA.

The ADMHA block grant program eliminated the requirement that the States provide standardized treatment based statistics to NIDA's Client Oriented Data Acquisition Process (CODAP). The loss of CODAP information has had some effect on the ability to determine treatment needs and to evaluate the effectiveness of drug abuse and control programs.

Changes in the Drug Abuse Situation Over the Past Five Years

Please submit your candid opinion of changes, if any, in the drug abuse situation in your jurisdiction over the past five years. Consider: (a) increases, decreases, and changing patterns of abuse of specific substances, (b) changes in prevention and treatment policies and methods, and (c) effectiveness of present policies and methods, and the consequences of changes in Federal funding strategies.

Increases, Decreases, and Changing Patterns of Abuse of Specific Substances

The perceived changes in the drug abuse patterns over the past five years are reported in Table 11. Twelve of the State and city program abuse coordinators reported an increase in the polyabuse

of substances, most commonly the abuse of alcohol and some other drug. Fourteen of the police reported changes in the pattern of trafficking marihuana based on the South Florida Task Forces, increases in the domestic production of marihuana and also, an increase in the quality of the drug (i.e. sensimilla).

Those cities reporting a decrease in heroin are Madison, WI; St. Paul, MN; Jefferson City, MO; Jackson, MS; Providence, RI; Anchorage, AK; Shreveport, LA; slight decreases in Buffalo, NY; Fort Wayne, IN; and Nashville, TN.

TABLE 11.—PERCEIVED CHANGES IN DRUG ABUSE PATTERNS OVER PAST 5 YEARS

Reporting group	State and local law enforcement agencies		State attorneys general and local prosecutors		State and city drug abuse program coordinators		All groups	
Number responding	91		30		20		141	
	Increase	Decrease	Increase	Decrease	Increase	Decrease	Increase	Decrease
Percent of respondents reporting:								
Heroin	25	6	20	13	35	10	26	8
Cocaine	71	0	60	0	65	0	68	0
Marihuana	43	2	40	0	25	0	43	1
Hallucinogens	14	14	10	13	5	15	13	14
Prescription drugs	17	7	7	3	40	15	17	7
Methamphetamines	14	0	20	0	0	0	13	0

Effectiveness of Changes in Prevention and Treatment Policies and Methods

This question was answered by three city abuse program coordinators and 12 State abuse program coordinators. Two of the City Abuse Coordinators reported a decrease in services because of the decrease in funding, one reported the emphasis in prevention and treatment was placed on alcohol and ten (10) reported effective programs based on inpatient treatment, emphasis on prevention, aggressively seeking more patients for treatment, becoming more systematized, revision of methadone regulations and the availability of third party coverage.

Changes in Federal Funding Strategies

This question was designed to determine the effects of the block grant shifts and the decreases in Federal funding. The results are reported in Table 12. This data tends to reflect the negative effects that the decrease in Federal funding and block grant shifts have had on the drug abuse program. Decreased funding has caused decreases in the prevention and treatment programs, decreased drug law enforcement and interdiction. Competition and politics have had a direct affect on the distribution of funds.

TABLE 12.—PERCEIVED IMPACT OF SHIFT TO BLOCK GRANT FUNDING

Responding group	State attorneys general and local prosecutors	State and city drug abuse program coordinators	Total	Percent
Number responding	31	20	51	100
Impact:				
Positive—Reason unspecified	0	6	6	12
Negative—Reason unspecified	5	4	9	18
Negative—Resulted in decreased funding availability [1]	7	5	12	24
No response or "unknown"	19	5	24	47

[1] Both political considerations and competition for block grant funds have been held responsible for decreased funding for prevention and treatment centers and for law enforcement and interdiction efforts.

Effectiveness of Present Policies and Methods

There is a difference of opinion concerning the effectiveness of the present Federal drug abuse and control policies. The majority of the 68 law enforcers and prosecutors who responded to this question believe them to be ineffective, but the majority of the 13 responding State abuse coordinators believe them to be effective. Table 13, provides a breakdown.

TABLE 13.—EFFECTIVENESS OF PRESENT POLICIES

Reporting group	Number of responses	Frequency of responses (percent)		
		Effective	Ineffective	Other
Police	53	28	49	23
Local prosecutors	9	22	77	1
State abuse coordinators	13	69	8	23
State attorneys general	6	16	66	18

Policies and methods that were considered effective included:

(1) Formation of task forces.

(2) Marihuana eradication programs.

(3) Posse Comitatus Act helpful.

However, their limitations were noted:

(1) Policies and methods are effective but there is no funding for implementing them.

(2) Policies effective but there is a need for manpower in order to implement them.

Policies and methods were ineffective because:

(1) Task Forces in the south only caused the importers to relocate.

(2) Ineffective due to insufficient funding.

(3) Freedom of Information is a detriment.

(4) Out patient treatment needs to work closely with the criminal justice system.

CONSEQUENCES OF THE REALIGNMENT OF DEA AND THE FBI

Please submit your candid opinion of the consequences of the realignment of DEA and the FBI which gives the latter concurrent ju-

risdiction in drug law enforcement. Please respond in terms of both immediate and long term perspective.

The results are reported in Table 14.

TABLE 14.—REALIGNMENT OF DEA AND THE FBI

Reporting agency	Number of responses	Frequency of responses (percent)			
		Positive	Long term successful	Negative	Wait and see
Police	71		48	21	31
Local prosecutors	12		50	8	42
State attorneys general	9	22		33	45

Nearly half of the respondents felt that they did not yet have sufficient information to respond to this question at this time.

All the favorable responses were based upon the assumption that the realignment will in the long run be beneficial because it will provide additional resources that will be used constructively to control the supply of illicit drugs. The unfavorable responses focus on the role and the reputation of the FBI held by the respondents. There is confusion as to whether DEA or FBI is the true lead agency in drug law enforcement. There is a question in their minds concerning the credibility of FBI management and FBI agents as effective drug law enforcers. Respondents' experience with FBI cooperation and intelligence-sharing history contribute to the negative image.

The following responses typify the attitude held by some State and local police:

> To date, observations indicate that the current realignment has caused fragmentation of law enforcement efforts, internal problems at the Federal level, difficulty in determining roles and goals of the various agencies, and strangulation of DEA efforts to carry out their mandate. Currently, there seems to be a lack of insight and knowledge of drug enforcement by the FBI and little or no cooperation with other agencies in drug enforcement matters. This problem seems to stem from the dictates of higher levels in the FBI administrative hierarchy and not from local field agents.
>
> *John Rooney, Director,*
> *Department of Law Enforcement, Idaho*

> The immediate consequences of the FBI/DEA realignment has been confusion. It has resulted in FBI agents, inexperienced in drug law enforcement, attempting to conduct drug investigations, sometimes without the benefit of experienced DEA agents to supervise them. Resources have been wasted and at least one unnecessarily dangerous situation occurred because of the inexperience of FBI agents in the field of drug law enforcement.
>
> Training is one thing; experience is quite another.
>
> We are optimistic that the long term consequences of the DEA/FBI realignment will be an asset to overall drug

law enforcement. Obviously there will now be more people available for drug law enforcement. However that in itself will not necessarily provide more effective drug law enforcement. We are confident that, as FBI agents become more experienced in the field of drug law enforcement, they will become increasingly effective. The variety of resources (other than personnel) that the FBI has at its disposal, should be extremely valuable in this area.

It is essential that one Federal agency coordinate the Federal efforts regarding drug law enforcement. DEA has more experienced personnel to do this job. Unfortunately, the FBI does not, but is too often unwilling to admit this.

Gary J. Carrell, Chief, Criminal Investigation Bureau, Montana Department of Justice, Helena, Montana

As I indicated in regard to question No. 4, I feel that the situation as it exists today, with the responsibility shared between the FBI and the DEA for drug enforcement, is confusing and seems almost unmanageable. It appears to me that the kind of agency and personnel necessary to infiltrate and successfully deal with the types of persons involved in drug trafficking is diametrically the opposite of the type of personnel typically employed by the FBI. The job tasks and areas of responsibility are very different and because of those differences, the personnel requirements are different. I feel there should be "active" cooperation between *all* enforcement agencies. However, I feel that one agency should be specifically responsible for drug enforcement and I feel that that task would best be handled by the present DEA.

Edward D. Daniel, Director, Department of Public Safety, Jefferson City, Missouri

The realignment of DEA and the FBI have caused some problems in the area of cooperation and coordination and there seems to be a lack of training of local FBI agents in the field of drug enforcement. There has not been a significant increase in drug enforcement at the Federal level in this State as a result of the realignment between the FBI and DEA.

General Billy G. Wellman, Commissioner, Kentucky State Police, Frankfort, Kentucky

So as far as DEA, we have two people that cover the entire State. And when you put one busy doing paperwork, that does not leave much effort on the Federal manpower.

The FBI has been assisting us, but that assistance has not been as effective as it could be because there seems to be a continual contention between DEA personnel and FBI personnel. Our experience with FBI has been that it is essentially a one-way street of cooperation because the FBI gets all the information that they can from State and local authorities who are cooperative in producing that, but yet we have difficulty in getting information from the FBI.

When a cooperative effort is made, it appears that the FBI, even though it comes in on an ongoing investigation, tends to get all of the credit, tends to get all of the property seized, the money seized, and so it does not really facilitate cooperation between the Federal and the State authorities.

So I think we are going to have to sort out the problems between the FBI and DEA and that would improve the picture. I think we are going to have to get better cooperation between the FBI and the State authorities, and it seems to be that the problem comes from the higher levels, because the agents have been pretty good. But the difficulty seems to come from higher up. I think that has to be sorted out. I think we have got to have greater assistance from the Federal authorities, more manpower in the field to carry out the Federal responsibility.

Testimony of the Honorable Jim Jones, Attorney General of Idaho, before the Select Committee on Narcotics Abuse and Control, Cultivation of Marihuana, July 23, 1983

Does your organization now, or did it formerly, engage in cooperative efforts with either the DEA or FBI? Please describe any changes in cooperative efforts that have resulted from the DEA-FBI realignment.

Most of the reporting agencies have had cooperative efforts with both the DEA and the FBI, however, their cooperative efforts with the FBI have not been related to drug law enforcement.

TABLE 15.—COOPERATIVE EFFORTS WITH DEA OR FBI

Reporting agency	Number of responses	Cooperative efforts—Frequency of responses (percent)		
		DEA and FBI	DEA only	FBI only
Police	91	67	22	3
Local prosecutors	10	50	40	.....
State attorneys general	10	50	40	.....

For the most part, the reporting agencies felt that it was too soon following the realignment to note any significant changes. Seven of the police noted an improved relationship since the realignment, 5 were with the FBI and only 2 were with both the FBI and DEA.

TABLE 16.—CHANGES IN COOPERATIVE EFFORTS

Reporting agency	Number of responses	Frequency of responses (percent)			
		Improved relations	Relations Need Improvement		No change
			FBI	FBI and DEA	
Police	91	8	8	4	8
Local prosecutors	10	.....	10	20	.....
State attorneys general	10	10	20	.....	10

Some of the coordination and sharing problems attributed to the FBI (see the cited responses to the previous question) are also attributed to some DEA field agents. The major problem concerning DEA cooperation, however, is the limited DEA presence and the scarcity of DEA field agents in many States. This is also noted in one of the above-cited responses.

Funding for Drug Abuse Services

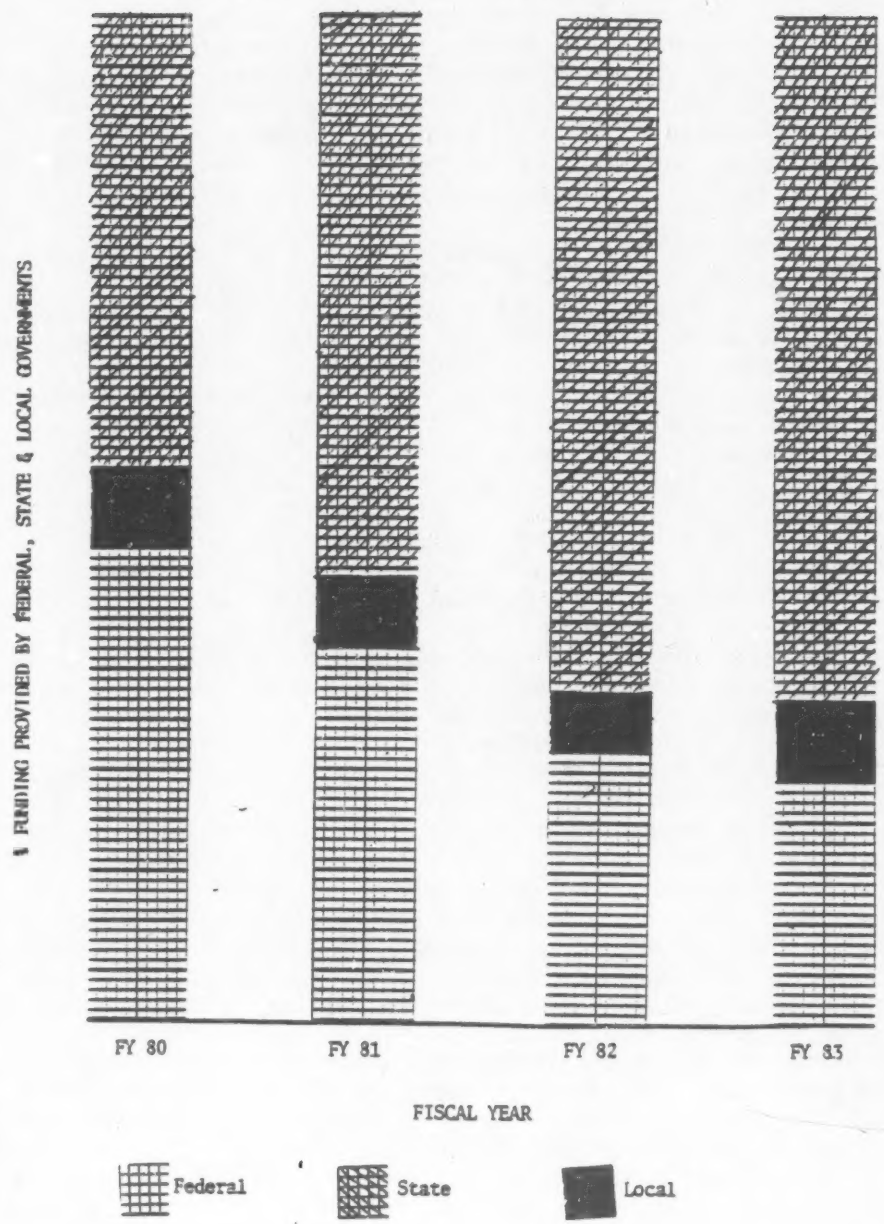
For the current and each preceding four fiscal years, how much money will/did your city or State allocate for drug abuse services (treatment, rehabilitation, education, prevention)? What portion of these funds derive from Federal, State, local, private or other sources? If possible, please identify sources of Federal funding, (e.g., ADAMHA block grants) made available to your jurisdiction each year.

Eleven of the city and State program coordinators responded to this question but did not identify sources of Federal funding. The results in the graph (Figure 1) show Federal vs. State vs. local funding over the past four fiscal years.

Total funding for drug abuse services has increased over the past four years by 61 percent. Over the past four fiscal years there has been a continuous decrease in Federal funding by 23 percent. Funding by the States increased over the past three years by 25 percent and remained the same in the fourth year. Funding provided by the local government decreased by one percent each year over the past three years and then increased by 2 percent in the fourth year.

In fiscal years 1982 and 1983, allocations of Federal funds for Drug Abuse Services continued to decrease, funding by the States has tended to plateau, and funding by the local governments has increased.

FIG. 1 DRUG ABUSE PROGRAM FUNDING



SUMMARY

The results of the analysis of all questions dealing specifically with responsibilities, roles, policy, strategy and problem issues have identified international and interstate trafficking as the major problem in drug law enforcement and in prevention and treatment. Controlling interstate and international drug trafficking should be the primary Federal role in drug law enforcement. The control of drug trafficking would reduce the supply and availability of illicit drugs, consequently decreasing the need for prevention and treatment.

Concomitant Federal responsibilities should include: (1) developing international policies that would eradicate the supply of illicit drugs; and (2) legislating and enforcing drug control laws that would be directed toward securing our borders and investigating and prosecuting the organized criminal.

The primary hindrance to drug law enforcement was the lack of cooperation and coordination of Federal agents with State and local governments. The Federal Government could promote coordination and cooperation with local and State agents via the "Task Force" approach. This approach would satisfy other needs and problems reported by the State and local governments in terms of providing training and technical assistance, and in combining manpower and equipment. This method consolidates the drug law enforcement team at a Federal level.

The Federal role in the domestic control of drug trafficking should include developing and implementing legislation for drug crop eradication and monitoring of prescription drugs.

The State and local governments would be responsible for eliminating the trafficking of drugs within their jurisdiction and would focus their attention on apprehending the mid-level and street-level criminal. They would cooperate and work closely with the Federal Government when investigations exceed their boundaries. This again could be accomplished via combined task forces.

Budgetary constraints have also presented major problems in drug law enforcement and in relation to funding is one of the basic needs of the State and local governments. Over the past five years, available funding for the drug abuse programs has been reduced by at least 25 percent. Allocations of funds are made directly to and controlled by the States. As a direct result of decreased funding, some prevention and treatment programs have been eliminated, while drug abuse has increased, and drug abuse investigation and prosecution have been highly curtailed.

The change in Federal funding strategies to the block grant has been a major concern. The responses to this question suggest that the perceived impact of shift to block grant funding has been negative because it resulted in decreased funding availability. Both political considerations and competition for block grant funds have been held responsible for decreased funding for prevention and treatment centers and for law enforcement and interdiction efforts.

All of the reporting groups perceived an increase in drug abuse over the past five years. The highest increase in substance abuse was cocaine, followed by marihuana and heroin respectively. This data is in direct conflict with the 1982 National Household Survey

and the 1982 High School Senior Survey [2] that showed a decline in current use of all classes of illicit drugs, with "the most appreciable drops occurring this year for marihuana, cocaine, amphetamines and sedatives." This contrasting data as supported by other witnesses testifying at a Select Committee hearing [3] suggest that statistical documentation should be evaluated and a uniform and comprehensive system for collecting data should be implemented. This system should be used by all Federal, State and local personnel involved in the drug problem.

With the exception of the State Abuse Program Coordinators, the other reporting groups found the present policies ineffective. The primary reason given is a lack of implementation because of funding, manpower and equipment shortages.

There have been problems associated with the merger of the DEA and the FBI. The immediate consequences of the realignment have been seen as negative because of unresolved issues as to which one is the true lead drug enforcement agency. This leads to conflicts among the field agents, confusion among the State and local agencies, and failures in coordination. A majority of the respondents project long range benefits if these problems can be resolved by a clear cut designation of the agency roles, preferably enforced by a strong central authority to direct the entire Federal drug abuse/control strategy.

The results of the portion of this survey that was concerned primarily with the National Drug Law Enforcement Policy are essentially the same as that of the survey conducted by the Director of the Office of Drug Abuse Policy in July 1977.[4] Those results concluded, "there is a perceived need for the Federal Government to strengthen and to maintain a firm national policy opposed to the non-therapeutic use of all drugs. A critical need was felt for increasing Federal law enforcement resources both in numbers of Federal agents and in funding for States, and for obtaining better political, legislative and judicial support for drug law enforcement activities at all three levels of government. There was a general agreement that Federal law enforcement and prosecution should concentrate on organized crime and major drug conspiracies involving interstate and international trafficking in both illicit drugs and diverted legal drugs, with considerable effort to be devoted to securing our national borders against illegal importation of all drugs. State and local efforts should be limited to interstate and low level trafficking. However, all three levels of government should join in cooperative task forces targeted against the entire spectrum of drug law offenders.* * * If there was any issue approaching total consensus it was the overwhelming agreement that DEA should not be merged with, or subordinated to the FBI."

This survey shows that the goals of drug law enforcement as outlined in the Federal Strategy for Prevention of Drug Abuse and

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[2] Statistical Series: National Institute on Drug Abuse, U.S. Department of Health and Human Services.

[3] Hearings before Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, November 2, 1983.

[4] National Drug Law Enforcement Policy. A content analysis of responses to solicitation for advise. Martin I. Kurke, Ph.D., Drug Enforcement Administration. See Appendix C.

Drug Trafficking—1982 and as listed in the introduction of this paper have yet to be accomplished.

CONCLUSIONS

1. The issues and problems identified by the White House 1977 Survey remain unresolved.
2. There remains a continuous increase in drug trafficking in the United States.
3. There is an overall increase in the abuse of drugs. The pattern of abuse of a particular drug varies, based on the availability of the drug and other demographics.
4. There has been a decrease in prevention and treatment facilities over the past three years.
5. The role of the Federal Government and the policies provided in the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking have yet to be implemented and/or articulated to and/or understood at the State and local levels.
6. Federal and State Drug Control laws are weak and inconsistent, resulting in insufficient prosecution.
7. The States need more cooperation and coordination of efforts from the Federal Government.
8. Although the ultimate usefulness of the FBI–DEA realignment cannot yet be assessed, it has resulted in initial negative consequences.
9. The Federal Government is continuing to decrease Federal funding for drug abuse programs, with more responsibility being assumed by the local governments as State governments exhaust their resources.

APPENDIXES

Appendix A—Survey Letters

U.S. House of Representatives,
Select Committee on Narcotics Abuse and Control,
Washington, D.C.

As part of its governmental oversight responsibility, the Select Committee on Narcotics Abuse and Control is seeking to determine how changes in national policy have affected the ability of State and local efforts to control drug abuse. To this purpose, the Select Committee plans hearings in various locations throughout the country, inviting a limited number of officials to testify to the current status of drug abuse and the effectiveness of State and local drug abuse prevention, education, treatment and rehabilitation efforts, and to recommend ways in which the Federal Government can be of help.

Because the hearings can accommodate only a limited number of witnesses, we have decided to expand our inquiry by means of a survey to all areas of the Nation. This letter solicits your cooperation in this effort, and I ask that you respond to the following questions.

1. (a) What do you feel should be the Federal role in drug abuse availability, prevention and treatment?

(b) From that perspective, what do you see as the principal problem and issue areas that have hindered, or now hinder, effective drug abuse prevention and treatment?

2. In your opinion, what is the most appropriate role for State and local Governments, respectively, in combatting the availability and use of illicit drugs and in abuse prevention and treatment?

3. In your opinion, what do State and local governments need most from the Federal Government in combatting the availability and use of illicit drugs (a) in terms of financial resources, and (b) other than funding?

4. What do you see as the relationship between drug availability, abuse, prevention and treatment?

5. What organizational and/or program-policy changes, if any, would you recommend for consideration? (a) Federal, (b) State and local.

6. Please submit your candid opinion of changes, if any, in the drug abuse situation in your jurisdiction over the past five years. Consider: (a) increases, decreases, and changing patterns of abuse of specific substances, (b) changes in prevention and treatment policies and methods, (c) effectiveness of present policies and methods, and (d) consequences of changes in Federal funding strategies.

7. For the current and each of the preceding four fiscal years how much money will/did your city or State allocate for drug abuse services (treatment, rehabilitation, education, prevention)? What proportion of these funds derive from Federal, State, local, private or other sources? If possible, please identify sources of Federal funding (e.g., ADAMHA block grants) made available to your jurisdiction each year.

I thank you for your cooperation on this matter of grave national concern, and request the favor of a reply within three weeks of the above date to permit a timely analysis of the collected information.

Sincerely,

CHARLES B. RANGEL, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, D.C.

As part of its governmental oversight responsibility, the Select Committee on Narcotics Abuse and Control is seeking to determine how changes in national policy and law enforcement strategies over the past few years have affected the ability of Federal, State and local efforts to control drug abuse.

In 1977 the White House Office of Drug Abuse Policy surveyed United States Attorneys and Chiefs of Police of a number of cities to solicit their opinions concerning aspects of national drug law enforcement policy. The present survey is an updated version of the earlier one so that a comparison of responses over the six year span may be made. Also, the present letter is being sent to a wider range of respondents.

This letter solicits your cooperation in this effort, and I ask that you respond to the following questions.

1. (a) What do you feel should be the Federal role in drug law enforcement?

(b) From that perspective, what do you see as the principal problem and issue areas that have hindered, or now hinder, effective drug law enforcement and prosecution?

2. In your opinion, what is the most appropriate role for State and local governments, respectively, in combatting the trafficking and use of illicit drugs?

3. In your opinion, what do State and local Governments need most from the Federal Government in combatting the trafficking and use of illicit drugs (a) in terms of financial resources, and (b) other than funding?

4. What organizational and/or program-policy changes, if any, would you recommend for consideration? (a) Federal, (b) State and local.

5. Please submit your candid opinion of changes, if any, in the drug abuse situation in your jurisdiction over the past five years. Consider: (a) increases, decreases and changing patterns of abuse of specific substances, (b) effectiveness of present policies and methods, and (c) consequences of changes in Federal funding strategies.

6. (a) Please submit your candid opinion of the consequences of the realignment of DEA and the FBI which gives the latter concur-

rent jurisdiction in drug law enforcement. Please respond in terms of both immediate and long term perspectives.

(b) Does your organization now, or did it formerly, engage in cooperative efforts with either the DEA or FBI? Please describe any changes in cooperative efforts that may have resulted from the DEA-FBI realignment.

I thank you for your cooperation on this matter of grave national concern, any request the favor of a reply within three weeks of the above date to permit a timely analysis of the collected information.

Sincerely,

CHARLES B. RANGEL, *Chairman.*

APPENDIX B—LIST OF RESPONDENTS

LIST OF RESPONDENTS

City Police (47)

Alabama, Birmingham
Alabama, Mobile
Alaska, Anchorage
Arizona, Douglas
Arizona, Phoenix
Arizona, Tucson
California, Fresno
California, San Jose
California, San Diego
California, Los Angeles
California, San Francisco
Connecticut, Hartford
District of Columbia
Florida, Fort Myers
Florida, Miami
Florida, Orlando
Florida, Tampa
Florida, West Palm Beach
Hawaii, Honolulu
Idaho, Boise
Kansas, Wichita
Kentucky, Louisville
Louisiana, New Orleans
Louisiana, Shreveport
Maryland, Baltimore
Michigan, Detroit
Mississippi, Jackson
Nebraska, Omaha
Nevada, Reno
New Mexico, Albuquerque
New York, Buffalo
New York, New York City
New York, Rochester
North Carolina, Charlotte
North Carolina, Greensboro
Ohio, Cincinnati
Ohio, Cleveland
Oregon, Eugene
Pennsylvania, Philadelphia
Texas, Austin
Texas, Brownsville
Texas, Houston
Texas, Fort Worth
Utah, Salt Lake City
Virginia, Alexandria
Washington, Seattle
Washington, Spokane

County Police and Sheriffs (22)

California, Marin
California, Los Angeles
Colorado, Denver
Florida, Dade
Florida, Jacksonville
Florida, Monroe
Louisiana, Caddo Parish
Maryland, Anne Arundel
Maryland, Montgomery
Maryland, Prince Georges
Indiana, Allen
Michigan, Kent
Minnesota, Ramsey
Missouri, Olmstead
New York, Nassau
Ohio, Montgomery
Oregon, Marion
South Carolina, Richland
Tennessee, Davidson
Texas, Nueces
Virginia, Arlington
Virginia, Fairfax

State Police (22)

Alabama
Arizona
California
Connecticut
Delaware
Georgia
Idaho
Illinois

Kentucky
Massachusetts
Michigan
Mississippi
Missouri
Montana
North Carolina
Oklahoma
Oregon
Pennsylvania
South Carolina
West Virginia
Wisconsin
Wyoming

State Attorneys General (15)

America Samoa
Connecticut
Delaware (State Attorney General)
Delaware (State Prosecutor)
Guam
Hawaii
Massachusetts
Maine
Mississippi
New Jersey
Nevada
North Dakota
Ohio
Rhode Island
South Dakota

Local Prosecutors (18)

California, Los Angeles
California, Sacramento
Idaho, Boise
Iowa, Des Moines
Michigan, Detroit
Missouri, St. Louis
New Mexico, Las Cruces
Nebraska, Omaha
New York, the Bronx
New York, Erie
New York, Kings
Ohio, Cleveland
Oklahoma, Tulsa
Oregon, Portland
Texas, Austin
Texas, Houston
Virginia, Richmond
Washington, Seattle

City Drug Abuse Program Coordinators (4)

Illinois, Chicago
Massachusetts, Boston
Michigan, Detroit
Pennsylvania, Philadelphia

State Drug Abuse Program Coordinator (17)

Arizona
California
Hawaii
Indiana
Iowa
Louisiana
Maryland
Minnesota
Missouri
New Hampshire
North Carolina
Pennsylvania
South Carolina
Rhode Island
Utah
Virgin Islands
Wisconsin

APPENDIX C—NATIONAL DRUG LAW ENFORCEMENT POLICY (1977 CONTENT ANALYSIS)

NATIONAL DRUG LAW ENFORCEMENT POLICY: A CONTENT ANALYSIS OF RESPONSES TO SOLICITATION FOR ADVICE

Martin I. Kurke, Ph.D., LL.B., Drug Enforcement Administration,
July 20, 1977

In May of 1977, the newly designated Director of the Office of Drug Abuse Policy sent letters to all 94 United States Attorneys and to the Chiefs of Police of 30 major United States cities asking questions concerning their opinions on several issues concerning drug law enforcement policy. The following questions were asked.

1. From your perception of the *proper role* of the Federal Government (please make explicit), what are the principal problem and issue areas that have hindered or do hinder effective drug law enforcement?

2. In your opinion, what is the most appropriate role of State, local and Federal Government (respectively) in combatting the trafficking and use of illicit drugs? (Asked of United States Attorneys only)

3. In your opinion, what do State and local governments need most from the Federal Government in combatting the trafficking and use of illicit drugs? (Asked of Police Chiefs only)

4. What organization and/or programmatic-policy changes, if any, would you suggest that ODAP recommend for presidential review?

5. Drawing upon your experience, please submit your candid opinion of the potential benefits and pitfalls of an FBI/DEA merger? Please answer this from both a long-term and short-term perspective.

By the end of the second week of July responses have been received from the 46 United States Attorneys and 19 Police Chiefs listed in Table 1.

TABLE 1 LIST OF RESPONDENTS

United States Attorneys for the Following Districts

AL, Northern (Birmingham)
AZ, (Phoenix)
AR, Eastern (Little Rock)
AR, Western (Ft. Smith)
CA, Central (Los Angeles)
CA, Southern (San Diego)
CT, (New Haven)
DC, (Washington)
FL, Middle (Jacksonville)
GA, Middle (Macon)
GA, Northern (Atlanta)
IL, Northern (Chicago)
IN, Northern (Indianapolis)
IA, Northern (Sioux City)
IA, Southern (Des Moines)
KS, (Topeka)
KY, Western (Louisville)
LA, Middle (Baton Rouge)
LA, Western (Shreveport)
MD, (Baltimore)
MA, (Boston)
ME, (Portland)
MI, Eastern (Detroit)
MN, (Minneapolis)
MS, Northern (Oxford)
MS, Southern (Jackson)
NM, (Albuquerque)
NE, (Omaha)
NV, (Reno)
NH, (Concord)
NC, Eastern (Raleigh)
OH, Northern (Cleveland)
OH, Southern (Columbus)
OK, Northern (Tulsa)
OR, (Portland)
PR, (San Juan)
TN, Middle (Nashville)
TX, Eastern (Tyler)
TX, Southern (Houston)
TX, Western (El Paso)
UT, (Salt Lake City)
VA, Eastern (Alexandria)
VA, Western (Roanoke)
WA, Western (Seattle)
WI, Eastern (Milwaukee)
WY, (Cheyenne)

Chiefs of Police of the Following Cities

Buffalo, New York
Cincinatti, Ohio
Chicago, Illinois
Dallas, Texas
Denver, Colorado
Detroit, Michigan
Honolulu, Hawaii
Indianapolis, Indiana
Los Angeles, California
Washington, District of Columbia
Minneapolis, Minnesota
New York, New York
Philadelphia, Pennsylvania
Pittsburgh, Pennsylvania
Seattle, Washington
San Antonio, Texas
San Diego, California
San Francisco, California
San Jose, California

Their location, shown on the accompanying map, illustrates the fact that all geographic areas of the country have been covered as have maritime ports of entry and both national borders. Offshore jurisdictions in the Caribbean and Pacific are covered. Finally both major population centers and sparsely populated areas are covered. Such coverage suggests that the 49 percent return from United States Attorneys and 63 percent return from Police Chiefs would not be unrepresentative of all the respondents queried.

The responses were reviewed and analyzed with the following results.

What are the principal problem and issue areas that have hindered or do hinder effective drug law enforcement?

Answers by 37 United States Attorneys and 14 Police Chiefs.

1. Policy Issues and Problems

Five prosecutors and three chiefs felt that the national drug enforcement policies were vacillating and lacked consistent high level support. Four attorneys and six chiefs were concerned with a general "softness" toward some drugs, two of them citing marihuana and one expressing concern over the potential heroin maintenance issue.

Two attorneys and two chiefs also expressed concern over what they perceive as threats of reduced Federal support to drug law enforcement.

2. Strategy Issues and Problems

One attorney felt that there is a need to reverse the present situation where potential financial gains of illegal trafficking outweigh the deterrent of convictions. One police chief was

concerned that U.S. Attorneys will not prosecute unless a specific minimum amount of the drug is involved. One chief and four attorneys were concerned with the need to reduce the vulnerability of U.S. borders and two chiefs felt the need for improved control over foreign sources of supply. One chief noted that supply and demand control must be balanced and two wanted more attention paid to the diversion of legal drugs into illicit traffic. Finally, one attorney suggested that traffickers be attacked from their vulnerabilities in tax, firearms and mail violations. Other strategy questions cited by attorneys concerned:

—The wisdom of an enforcement strategy that raises the cost of illicit drugs and thereby increases the property crime rate.

—A strategy that relies on law enforcement emphasis rather than on a drug abuse prevention emphasis.

—A strategy that emphasizes "body count" arrest statistics rather than successful prosecutions.

3. Federal Law Enforcement Weakness

Six U.S. Attorneys judged the Federal enforcement leadership and management to be weak or ineffective. Ten attorneys and two police chiefs noted past and present jealousies and other poor relationships between Federal law enforcement agencies and two attorneys deplored rivalries between Federal and local agencies. One of these deplored the lack of clear cut distinctions between Federal vs State and local law enforcement jurisdictions.

One police chief and one U.S. Attorney wanted more Customs and Border Patrol coverage in their jurisdictions. Twenty attorneys and one police chief complained that there was too little, or no DEA coverage in their jurisdiction. For example one U.S. Attorney noted that in his district there were only three DEA agents in comparison to 114 FBI, Secret Service, BATF and IRS agents.

Other needs cited were for more DEA forensic laboratories and more buy money, both to provide increased support to State and local agencies.

Three attorneys felt that uncertainty due to frequent changes in DEA top management has hampered law enforcement. Three cited inadequacies in DEA training with respect to related legal considerations as weakening the usefulness of agents.

4. Miscellaneous Problems

Three attorneys attacked legislatively and judicially imposed constraints as hindering law enforcement efforts: Freedom of Information Act, Privacy Act, the Mansfield amendment and the Exclusionary Rule were singled out as needing reexamination in the light of present practices and their inhibition of law enforcement. Five attorneys were seriously concerned with the impact of inadequate or inconsistent sentencing upon the effectiveness of law enforcement.

And finally, two U.S. Attorneys felt that law enforcement is hampered by the fact that investigatory techniques such as paid informers and undercover agents, although necessary, are distasteful to the American public. Some attorneys indicated that they were bothered by problems relating to the growing social acceptance of

drug use (e.g. cocaine, marihuana) which in turn contributes to the loss of citizen support for law enforcement.

Federal, State and Local Roles

Answered by 45 U.S. Attorneys and 14 major city Police Chiefs.

1. Setting Policy

Two U.S. Attorneys and eight police chiefs felt that the Federal Government ought to establish a position condemning drug abuse and vigorously supporting sanctions against drug law offenders. One additional attorney called for Federal decriminalization of marihuana to free the Government to concentrate on other drugs and another suggested that the Government provide users with the drugs they need (i.e., maintenance).

2. Division of Responsibilities

Although one attorney felt that the States should take primary responsibility for drug law enforcement except where the offenses transcend State jurisdiction, 26 of them and 8 of the police chiefs noted that Federal responsibility, in addition to legislation, included regulating and assuring compliance with regulations concerning the production, transportation and distribution of controlled substances; investigation of violations; interdiction of illicit traffic across national borders; prosecution of major trafficking offenders; imposing sanctions and assuring foreign cooperation for our drug control efforts. On the other hand, one attorney felt that the Federal role should be limited to be ancillary and supportive to State and local law enforcement efforts.

Many of the respondents cited the Federal role as suppression of the drug aspects of organized crime. One attorney felt that there was a Federal responsibility to identify changing national patterns of drug abuse, and three specified a Federal role in research into the causes of addiction and the abuse liability of drugs.

The State role in law enforcement was generally conceded to include street pushing and low level intrastate trafficking. Three attorneys suggested that drug abuse education and rehabilitation should be State functions. However two chiefs and two attorneys felt that Federal responsibilities include involvement in drug abuse prevention and the concern for the victims of drug crimes.

3. Specific Roles

Thirty-four U.S. Attorneys and three police chiefs specified operational roles for Federal law enforcement. Most of them cited the gathering of intelligence and investigation of major organized drug crime, interstate and international trafficking. This is essentially the present Federal policy and it was specifically endorsed by two attorneys and implicitly endorsed by most of the remaining respondents.

In addition to their roles in intrastate enforcement, it was felt by three attorneys that the State and local police efforts should include providing Federal agents with intelligence that could lead to Federal case making.

Although one attorney specified that juvenile cases should be reserved to State and local agencies, three others felt that it would be more effective if all juveniles and repeat offenders came under Federal jurisdiction.

One U.S. Attorney suggested an exception to the policy of Federal concern for only major drug cases. He noted that military reservations are under Federal jurisdiction, yet DEA does not take nor do the Federal courts prosecute minor cases involving the military. He suggested that Federal policy be changed to include prosecution of the military or to transfer such jurisdiction to the State.

Finally five attorneys and one chief feel the Federal role should be to provide funding for training State and local officers. Others felt that technical and laboratory support should be provided to the States by the Federal Government.

In your opinion, what do State and local governments need most from the Federal Government in combatting the trafficking and use of illicit drugs?

Answers by 18 police chiefs.

1. Federal Policy

Four respondents cited the need for an aggressive and stable Federal policy that all illicit drugs are harmful and that the Federal Government will control illicit narcotics trafficking.

2. Existing Federal Law Enforcement Programs

Seven respondents addressed this area. Four of them requested that existing law enforcement programs be sustained or improved. One of these recommended greater IRS participation. Two cited the need for continued activity in foreign crop eradication and interdiction. The use of the military for border control was suggested by one respondent. Diversion from legal distribution systems was cited once, and there was a suggestion that there be Federal control and inspection of interstate trafficking routes.

3. Federal Law Enforcement Support for State and Local Agencies

Fifteen of the respondents had one or more suggestions in this area. Ten of them wished for more Federal law enforcement leadership, cooperation and coordination, including reinstitution of Federal-State-local task forces.

Six respondents cited a need for Federal funding or other resources for their own enforcement efforts. One of these specified a need for funds to investigate and prosecute in the "gray area" (too small for DEA but too big for most local jurisdictions).

One respondent cited a need for technological support, and two recommended more Federal training for their departments.

Other Federal Support

Two respondents wished for some mechanism to provide local police with some of the authorities and powers of Federal agents and prosecutors. One wanted the services of U.S. Attorneys made available for local use and two wanted extension of the Federal Witness Program for local use.

Other Federal Programs

Three respondents felt that law enforcement could be aided and improved by Federal demand reduction program, to include drug abuse education and improved rehabilitation programs.

What organization and/or programmatic policy changes, if any, would you suggest that ODAP recommend for presidential review?

Thirty-eight U.S. Attorneys and 15 Chiefs of Police responded.

1. National Policies

Four respondents came out for improved drug abuse education, two noted a need to place additional emphasis on controlling demand for drugs, and for research on the efficacy of demand reduction efforts.

Two noted that policy must be based on social mores and one noted that present law enforcement is incongruent in view of allowable penological sanctions. There was one objection to NIDA as a spokesman for the Federal Government, the respondent feeling that it is one sided in line with proponents of drug legalization. He called for a more balanced study of drug control options.

Two respondents challenged the existence of ODAP as a one man policymaking agency, but one felt it should lead the Federal drug law enforcement effort aided by elements of the Department of Justice. Seven felt that Federal policy should be unequivocally opposed to all non-therapeutic drug use and more highly supportive of drug law enforcement, one calling for mandatory minimum sentences for violators. One felt that rehabilitation programs have been a failure.

Three suggested a maintenance program patterned after the British model and one more would, like the British, register all addicts to provide for program accountability.

One attorney wanted the Narcotic Addict Treatment Act modified to provide for voluntary commitment without a court order.

2. Law Enforcement Policies

Six respondents felt that there should be no organizational changes in law enforcement other than increasing staffing.

Three felt law enforcement should concentrate more on prevention and control of diversion of legal drugs. Four suggested attacking the economic resources of offenders and one called for more emphasis on crop destruction.

There was an approval of the present Federal policy of concentrating on major traffickers, but some policy provision is needed for investigation and prosecution of low level trafficking on military bases.

Eight respondents called for a return of Federal/State/local task forces, some other federally led coordinated law enforcement effort—or increased funding for State and local operations. One felt that the Federal courts should be made available for prosecution of State drug law offenders.

Five people called for a unified Federal drug control agency, separate from other law enforcement agencies, but one of them felt it should consist of U.S. Attorneys, seasoned prosecutors and law en-

forcement personnel rather than the present DEA. Two others felt that it should contain small working teams assigned to long term projects. There was a call for greater Federal interagency coordination *with all agencies accepting DEA priorities.* Several respondents felt that DEA's efforts should be supplemented by contributions from BATF, IRS, Coast Guard and Customs in areas of their expertise. It was also felt that the DEA presence should be available in judicial districts where it is not at present, and beefed up in other districts.

One attorney urged reorganization within DEA so as to diminish the authority of regional management. Other specific recommendations (one respondent each) include:

DEA

To receive authority to conduct border searches.

To hire more minority agents for greater effectiveness.

To set up, in addition to its regular field offices, separate resident agencies similar to those established by BATF and FBI to coordinate and work with State and local agencies.

To get better training in fourth amendment and other legal aspects of agents' jobs.

To eliminate a counterproductive requirement to fingerprint all informants.

CUSTOMS

To beef up border interdiction authority and obtain authority to present minor cases (e.g., marihuana smuggling) directly to Federal and State courts.

BATF

Abolish this agency: transfer "alcohol" agents to DEA and "firearms" agents to FBI.

MILITARY

Use military personnel to augment present border control capabilities.

Finally, there should be an improvement in the selection and training of all Federal agents.

Drawing on your experience please submit your candid opinion of the potential benefits and pitfalls of an FBI/DEA merger.

Thirty-three U.S. Attorneys and 15 police chiefs were opposed to the proposed merger. Seven attorneys presented both pros and cons but made no recommendations. Four U.S. Attorneys and one police chief would favor the merger only under certain specified conditions, including legislative changes, and/or the merger be at top level only, with operating divisions still separate, and one attorney and one chief were in favor without imposing any conditions.

1. Thirty-one comments felt that the philosophy, the mode of operation, tactics and strategies of the two agencies differ too much for them to combine. Thirteen felt that the personality, selection, and training (or cross-training) were incompatible, and seven pre-

dicted an overall loss of efficiency if the merger takes place. On the other hand one attorney felt the merger would yield greater efficiency, four felt that the combined manpower of the merged agencies would permit cross-fertilization and/or interchange of assignments between FBI and former DEA agents. That is exactly what is feared by 18 respondents who felt that the merger would signal a lessening of the Federal drug law enforcement posture—feeling that resources would sooner or later be diverted to other FBI missions.

There was mixed reaction concerning the economy of the proposed merger, two believing that administration costs might be reduced, and two others fearing that the opposite would occur. Three noted the problems of merging DEA which is under Competitive Civil Service and FBI which is not.

2. Fourteen respondents noted the adverse effect on efficiency from previous mergers and eleven felt that morale in one or both agencies would suffer, creating a hiatus in drug law enforcement as it has done after past reorganizations. One of them said avoidance of such a hiatus should be an overriding consideration.

3. Nine were concerned with the inability of FBI to be perceived by foreign nations as anything other than a political agency and suggest they would not receive the cooperation DEA now gets. Similarly ten respondents questioned FBI ability to cooperate with domestic agencies and four cited the rigidity of FBI personnel. However one attorney suggested DEA's credibility would be enhanced by a merger, and another thought DEA's agents would benefit from the merger. However, others pointed out that a number of DEA agents do not qualify as FBI agents and are likely to be eliminated upon a merger.

4. Three respondents felt that an FBI assumption of the DEA investigative area ought to be followed, or made concurrent with assumption of Postal, Secret Service, BATF and Customs investigatory areas to allow a single agency to better combat organized crime.

5. Although ten respondents felt the merger would be the first step in the development of a national police force, only two of them felt such an agency would be desirable. Most of the remaining eight had some concern for individual liberties if that should occur, one stating that FBI's jurisdiction is already too extensive.

6. Two respondents would merely make FBI's crime laboratories available to DEA, and one proposed the development of ad hoc joint DEA–FBI task forces under common managements.

7. One respondent warned that we should not reorganize merely for the sake of reorganizing. Nine respondents felt that FBI management would be an improvement over DEA management, but six questioned FBI's ability to manage a merger group, some citing FBI's present management problems. One respondent pointed out that FBI is not yet sufficiently into its newest area, white collar crime, and feels that just now it cannot afford to take on yet another entirely different type of law enforcement effort.

8. A number of respondents seemed to feel that the need for a merger is really only a need for more effective DEA structure and management, and any merger should be limited to providing for a common top management, with the operations of the two agencies

remaining as immiscible as oil and water. However, as one respondent noted, the FBI and DEA are now both within the Department of Justice which already has the potential for direction and coordination of the two agencies. Another felt that an FBI-DEA merger would not solve any of the jurisdictional disputes between DEA and other agencies. On the contrary he felt that they would be exacerbated under FBI management. On the other hand one respondent felt that the reorganization would serve the political purpose of letting the public know that the Administration is concerned about drugs.

SUMMARY

The Director of the Office of Drug Abuse Policy wrote a letter to all 94 U.S. Attorneys and the Chiefs of Police of 30 major American cities, soliciting their opinions concerning certain aspects of national policy concerning drug abuse law enforcement. Replies were received from 46 Federal prosecutors and 19 police chiefs. It was determined that those who did respond comprised a not unrepresentative sample and a content analysis of the replies was performed.

The results suggest a perceived need for the Federal Government to strengthen and to maintain a firm national policy opposed to the non-therapeutic use of all drugs. A critical need was felt for increasing Federal law enforcement resources—both in numbers of Federal agents and in funding for States—and for obtaining better political, legislative and judicial support for drug law enforcement activities at all three levels of Government.

There was a general agreement that Federal law enforcement and prosecution should concentrate on organized crime and major drug conspiracies involving interstate and international trafficking in both illicit drugs and diverted legal drugs, with considerable effort to be devoted to securing our national borders against illegal importation of all drugs. State and local efforts should be limited to intrastate and low level trafficking. However all three levels of Government should join in cooperative task forces targeted against the entire spectrum of drug law offenders.

Federal support to the States, it was felt, should include more training, funding, and a high level of leadership and/or cooperation and coordination on both the enforcement and prosecution levels.

There was general agreement with the concept of a unified Federal drug law enforcement agency. There was considerable feeling that DEA forces are spread too thin in some parts of the country, and that other Federal law enforcement agencies ought to contribute more to the unified effort.

If there was any issue approaching total consensus it was the overwhelming agreement that DEA should not be merged with or subordinated to the FBI. Irreconcilable differences in philosophy, scope and mode of operations, training and personality inherent in the missions of the two agencies were cited, as was the inability of FBI to involve itself in some aspects of drug abuse control such as foreign operations and regulatory compliance activities. The fear of a national police force and a fear that drug law enforcement would be downgraded by an FBI dominated agency were also cited as major concerns of the respondents.

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